

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MICHAEL BRIAN FEWELL,

Plaintiff,

v.

Case No. 1:21-cv-00398-KG-SCY

KILOLO KIJAKAZI,

Acting Commissioner of the Social Security Administration,

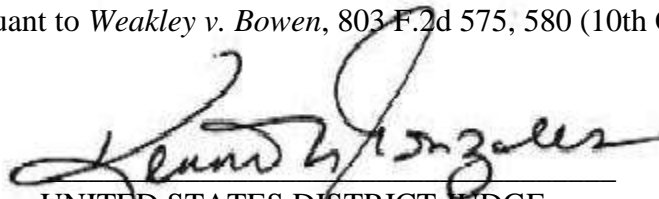
Defendant.

STIPULATED ORDER GRANTING PLAINTIFF'S
UNOPPOSED MOTION FOR ATTORNEY FEES AND COSTS
PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT

THIS MATTER is before the Court on Plaintiff's unopposed Motion for Attorneys Fees and Costs Pursuant to the Equal Access to Justice Act filed on 06/14/2022 (Doc. 32), in which the parties stipulate to awarding Plaintiff attorney's fees and costs under the Equal Access to Justice Act in the amount of \$4,839.00 and \$402.00, respectively.

IT IS THEREFORE ORDERED that Plaintiff be awarded \$4,839.00 in attorney fees and \$402.00 in costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d). See *Astrue v. Ratliff*, 560 U.S. 586, 591–93 (2010) (EAJA fees are paid to the prevailing party, not the attorney).

IT IS FURTHER ORDERED that if Plaintiff's counsel receives attorney fees under both EAJA and 42 U.S.C. § 406(b), Section 206(b) of the Social Security Act, Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).



UNITED STATES DISTRICT JUDGE

RESPECTFULLY SUBMITTED BY:

/s/

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APPROVED BY:

/s/ by email 06/14/2022

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